



2026:AHC:187557

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 31364 of 2026

Nisrat Khan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Hemant Kumar Patel, Ravi Shankar
Tripathi
Counsel for Opposite Party(s) : G.A.

Court No. - 68
(Sr. No.2 out of 185)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit filed by learned counsel for the applicant is taken on record.
2. Heard Sri Ravi Shankar Tripathi, learned counsel for the applicant, Sri Ram Mohit Yadav, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Session Case No.410 of 2025 (State vs. Nisrat and Others), arising out of Case Crime No.195 of 2024, under Sections 498-A, 323, 304-B I.P.C. and 3/4 Dowry Prohibition Act, Police Station Ushait, District Budaun, during the pendency of trial.
4. This is the second bail application on behalf of the applicant. The first bail application was rejected by this Court vide order dated 25.8.2025 passed in Criminal Misc. Bail Application No.2370 of 2025.
5. Learned counsel for the applicant has stated that subsequent to the rejection of first bail application, three witnesses of fact were examined and they have not supported the prosecution story. Subsequent to it, the application filed U/s 319 Cr.P.C. was allowed by the trial court and the statements of PW-1 and PW-2 were again recorded qua the accused persons summoned U/s 319 Cr.P.C. and they have not supported the prosecution story entirely in their statements and resiled from their earlier statements and have been cross-examined by the public prosecutor as such.

6. Learned counsel for the applicant has further stated that there is no likelihood of conviction of the applicant in the present case. The criminal history assigned to the applicant has been explained. The applicant is languishing in jail since 22.6.2024, and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

7. Learned A.G.A. has vehemently opposed the bail application but could not dispute the submissions made by the counsel for the applicant.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the fact that the witnesses of fact have not supported the prosecution story during trial, and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

9. Let the applicant- **Nisrat Khan**, be released on bail in the aforementioned case crime on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

10. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

September 8, 2026

Vikas Verma